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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/773,848

01/31/2001

Russel C. Hay

M00-273200

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01/07/2005

PARK, VAUGHAN & FLEMING LLP  
508 SECOND STREET  
SUITE 201  
DAVIS, CA 95616

EXAMINER

PHILLIPS, HASSAN A

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/773,848

**Applicant(s)**

HAY, RUSSEL C.

**Examiner**

Hassan Phillips

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments received on October 18, 2004.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-8, 10-15, and 17-21, have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-8, 10-15, 17-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al. (hereinafter Enoki) U.S. patent 5,873,085, in view of Shahabuddin et al. (hereinafter Shahabuddin), U.S. patent publication 2002/0143945, and further in view of Logston et al. (hereinafter Logston), U.S. patent 6,687,735.

3. In considering claims 1, 8, and 15, Enoki teaches a method for controlling access to files within a plurality of servers comprising:

- a) accepting a file access request, (col. 15, lines 58-62);
- b) determining if the file access request is for a new file, (col. 16, lines 66-67, col. 17, lines 1-3);
- c) if the file access request is for a new file, assigning an identifier to the new file, wherein the identifier can be used to identify the server, and creating the new file, (col. 17, lines 5-26).

Although the disclosed method of Enoki shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) the servers being on a single computing device.

Nevertheless, in a similar field of endeavor, Shahabuddin discloses a method for allocating resources for a client on a shared server comprising:

- a) virtual server technology that involves the creation of multiple servers on a single system, (page 1, paragraph 18).

Given the teachings of Shahabuddin it would have been apparent to one of ordinary skill in the art at the time of the present invention to modify the teachings of Enoki to have the plurality of servers operate within separate virtual environments on a single system. This would provide an efficient means for allowing individual users to share a single system, while providing each user with total access to files within a virtual environment that is insulated from other virtual environments, Shahabuddin, page 1, paragraph 18.

Although the disclosed methods of Enoki and Shahabuddin shows substantial features of the claimed invention, they fail to explicitly disclose:

- b) providing a server identifier for access control to files.

Nevertheless, in similar field of endeavor Logston discloses a method and apparatus for balancing distributed applications among a plurality of clients and servers in a network comprising:

- b) assigning an identifier to an application that indicates which client or server within the plurality of clients and servers stores the application, (col. 3, lines 48-61).

Thus, given the teachings of Logston, it would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the combined teachings of Enoki and Shahabuddin to determine if the retrieved identifier assigned to the existing file was associated with the server/client that generated the file access request, and allowing access to the file if the identifier was associated with the server/client. This would have enforced a well-known method for regulating access to a file within the virtual servers by utilizing the identifier to indicate which virtual server within the plurality of virtual servers stored the file, Logston, col. 3, lines 55-58.

4. In considering claims 3, 10, and 17, the method of Enoki further comprises deleting an existing file if the file access request is a request to delete an existing file. See col. 15, lines 46-49.

5. In considering claims 4, 11, and 18, the method of Enoki further teaches modifying an existing file if the file access request is a request to modify the existing file. See col. 15, lines 19-26.

6. In considering claims 5, 12, and 19, the method of Enoki further provides a means for determining if space is remaining in the storage area associated with the server and allocating additional file space. See col. 15, lines 27-33.

7. In considering claims 6, 13, and 20, although the disclosed method of Enoki shows substantial features of the claimed invention, it fails to expressly disclose:

- a) an administrator establishing storage.

Nevertheless, the method of Shahabuddin teaches:

- a) a service provider establishing resources (i.e. storage) within a computing device available to a virtual server within a plurality of virtual servers, (page 3, paragraph 48).

Given the teachings of Shahabuddin it would have been apparent to one of ordinary skill in the art at the time of the present invention to modify the teachings of Enoki to have an administrator establish an amount of storage within the storage area associated with the computing device that is available to a server within the plurality of servers. Doing so would have allowed an administrator to provide a Quality of Service guarantee to individual users, Shahabuddin, page 3, paragraph 48.

8. In considering claims 7, 14, and 21, the method of Enoki further teaches determining if the file access request is a request to update the identifier S701, and updating the identifier if the request is a request to update the identifier S702, S703. See col. 15, lines 62-67, and Fig. 7.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoroff et al., U.S. Patent No. 6,381,602 discloses a well-known method for access control to secured documents.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
12/29/04

  
**ZARNI MAUNG**  
ASSISTANT PATENT EXAMINER